

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 655 OF 2005

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Shri M.V.Gopalkrishnan i/by a.S.Rao for
the petitioner.

Shri B.H.Mehta, A.P.P. for the State.

Miss P.P. Tendulkar for Resp.Nos.6 & 7.

**CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.**

DATED: 26TH APRIL, 2005

P.C.:

1. The learned advocates for the respondents submit that neither the notice as required under Sec.162 (2) has been served upon the respondents nor the petitioner has followed the procedure as required to be followed in terms of sub-sec.(4) of Sec.162 of the Bombay Provincial Municipal Corporation Act, 1949. The learned advocate for the petitioner fairly concedes that no notice as required under sub-sec.(2) of Sec.162 was issued nor the procedure in terms of sub-sec.(4) of Sec. 164 has been followed. In these circumstances, the learned advocate for the petitioner states that the petitioner would comply

with the necessary requirements in terms of Sec.162 of the said Act and for that purpose craves leave to withdraw the petition with liberty to approach the Court afresh in case need arises. Petition is accordingly allowed to be withdrawn with the said liberty without expressing any opinion on any of the points sought to be raised by the parties. Petition stands disposed of accordingly.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)